

Message Text

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17
ORIGIN L-02

INFO OCT-01 AF-06 EUR-12 IO-10 ISO-00 NEA-09 JUSE-00 SCA-01

SCS-03 /044 R

DRAFTED BY L/AF:JAROHWER:MMP
APPROVED BY L/AF:JAROHWER
AF/C:JHALL
L/NEA:BKHUFFMAN
L/M:HFSHAMWELL

----- 036682

R 242039Z APR 75
FM SECSTATE WASHDC
TO AMEMBASSY YAOUNDE
INFO AMEMBASSY MADRID
USMISSION USUN NEW YORK

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E.O. 11652: N/A

TAGS: PFOR, CPRS, GIT, EK (ALLOTEY)

SUBJECT: ALLOTEY CASE

REF: YAOUNDE 691

1. THIS IS IN ANSWER TO YOUR REQUEST, PARA 3 REFTEL.
YOU MAY DRAW ON IT IN RESPONDING TO GOEG ASSERTIONS THAT
USG IS LIABLE FOR THE ALLOTEYS' DEBTS BECAUSE OF THE
"GUARANTEE" OF PAYMENT WHICH THE USG IS SUPPOSED TO HAVE
GIVEN IN ITS DIPLOMATIC NOTE OF NOVEMBER 27, 1970.

2. THE POSITION OF THE USG IS THAT THE STATEMENT IN THE
NOTE DID NOT CONSTITUTE A GUARANTEE BECAUSE (A) IN THE
PHRASE, "WE AGREE TO 100 PERCENT PAYMENT AFTER PASSAGE,"
THE "WE" REFERS TO STEPHEN & CO., NOT TO THE COMMERCE
DEPARTMENT, THE USG, OR THE BANKS; (B) THE CIRCUMSTANCES OF
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THE STATEMENT, PARTICULARLY ITS BREVITY AND INFORMALITY,

AND THE FACT THAT IT WAS THE ONLY MENTION EVER MADE OF USG PARTICIPATION, SHOULD HAVE INDICATED TO THE GOEG THAT IT WAS NOT AN OFFER OF GUARANTEE ON THE PART OF THE USG BUT RATHER A TRANSMITTAL MESSAGE RELATING TO A STATEMENT BY A REAL PARTY IN INTEREST. FOR THIS REASON THERE WAS NO BASIS FOR THE GOEG TO RELY ON IT AS A USG GUARANTEE OF ANY SORT. (C) NEITHER THE COMMERCE DEPARTMENT, WHICH

SENT THE QUOTED TELEGRAM, NOR CHARGE WILLIAMS, WHO SIGNED THE NOTE, HAD AUTHORITY TO GUARANTEE ANY TRANSACTION.

3. F.Y.I.: IN OUR OPINION, CHARGE WILLIAMS IS NOT PERSONALLY LIABLE FOR ANY DAMAGES RESULTING FROM THE MISTAKEN PHRASING OF THE CABLE QUOTED IN THE NOTE DISPATCHED OVER HIS SIGNATURE. END F.Y.I. KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: EXTRADITION, TRIALS
Control Number: n/a
Copy: SINGLE
Draft Date: 24 APR 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: SmithRJ
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE094884
Document Source: CORE
Document Unique ID: 00
Drafter: JAROHWER:MMP
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750145-0499
From: STATE
Handling Restrictions: n/a
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ISecure: 1
Legacy Key: link1975/newtext/t19750419/aaaaaryx.tel
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Previous Handling Restrictions: n/a
Reference: 75 YAOUNDE 691
Review Action: RELEASED, APPROVED
Review Authority: SmithRJ
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Margaret P. Grafeld
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05 JUL 2006

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Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ALLOTEY CASE
TAGS: PFOR, CPRS, EK, (ALLOTEY)
To: YAOUNDE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006